

Appl. No. : 09/785,944  
 Filed : February 16, 2001

The claims were rejected under 35 U.S.C. 103 as obvious over Fermann (5,627,848) in view of Harter et al. (6,034,975). Applicant believes that this rejection should be withdrawn for two reasons. First, each of the claims in this application requires the use of multi-mode fiber. The apparatus claims 1 through 50 and 58 all require that the multi-mode fiber be doped with a gain medium and positioned along the cavity axis. The method claims 55 through 57 all require "amplifying said light energy within said laser cavity in a multi-mode fiber." The Examiner acknowledged (page 6 of the Office Action) that Fermann does not disclose the use of multi-mode fiber, but argued that Harter provides such disclosure.

Applicants contend that the Harter reference does not, in fact, disclose amplification in a multi-mode fiber, or a multi-mode fiber doped with a gain medium, as required in the claims. In fact, Harter discloses amplification in a single mode fiber, which is described, for example, as item 10 beginning at Col. 2, line 66 through Column 3, line 7. The characteristics of the fiber provided at this section of the specification clearly define single mode fiber.

Moreover, Applicants contend that the Harter reference could only qualify as prior art under subsection (e) of section 102. Moreover, the Harter reference shows on its face that it is assigned to the assignee of the present application. For this reason, it falls within the following language of 35 U.S.C. 103: "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Therefore, Applicant contends that the Harter patent is not a proper reference against the present application.

During the interview, the Examiner agreed that the claims are acceptable, as to form, except that claim 55 and its dependent claims should define the steps as occurring in a laser cavity. This change has been made.

In view of the foregoing amendment, Applicants submit that the application is in condition for allowance and respectfully request the same.

The specific changes to the amended claims are shown on a separate page attached hereto and entitled Version with Markings to Show Changes Made, which follows the signature page

Appl. No. : 09/785,944  
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of this Amendment. The insertions are underlined while the [deletions are in brackets and bolded].

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/16/03

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Appl. No. : 09/785,944  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

55. (AMENDED) A method of generating ultra-short optical pulses, comprising:  
circulating light energy within a laser cavity;  
amplifying said light energy within said laser cavity in a multi-mode fiber; and  
confining said light energy within said laser cavity substantially to the fundamental mode  
of said multi-mode fiber.

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